



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

JAN 10 2017

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

Mr. Lynn Babington  
President  
Ark Fisheries, Inc.  
1107 East 2900 South  
Hagerman, Idaho 83332

Re: Ark Fisheries, Inc. – Juker Ponds  
NPDES Permit Number IDG130070

Dear Mr. Babington:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the August 30, 2016 Clean Water Act (CWA) inspection of Juker Ponds ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit IDG130000 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

**REVIEW OF ADMINISTRATIVE FILES**

EPA reviewed the Discharge Monitoring Reports (DMRs) from December 2011 through November 2016 and found zero effluent limitation exceedances which would constitute violations of the CWA, 33 U.S.C. § 1251 *et seq.*

**AUGUST 2016 INSPECTION**

Part II.F.3.b of the Permit states, in part, the QA plan must include a "description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units."

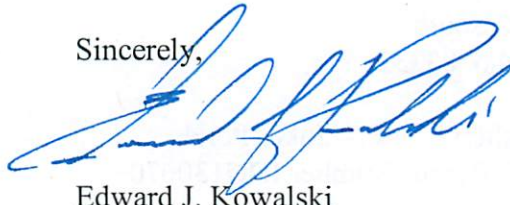
Part II.F.3.d of the Permit states that the QA plan must include "Qualifications and training of personnel."

At the time of the inspection, the inspector reviewed the QA plan and noted that it was missing the calibration procedures and calculations used to convert flow as well as a list of training and personnel qualifications. These are violations of Parts II.F.3.b and II.F.3.d of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edward J. Kowalski', is written over the word 'Sincerely,'.

Edward J. Kowalski  
Director

cc: Mr. Tyler Fortunati  
Idaho Department of Environmental Quality

Mr. David Anderson  
IDEQ, Twin Falls Regional Office

Ms. Maria Lopez  
EPA, Idaho Operations Office

Mr. Bob Juker  
Owner, Juker Ponds